

**Settlement Date: September 20, 2022 at 11:00 a.m. (Eastern Time)**  
**Objection Deadline: September 19, 2022**

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- and -

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*Counsel for Plaintiffs and Third-Party  
Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

EXTENDED STAY, INC., *et al.*,

Reorganized Debtors.

FINBARR O'CONNOR, as Trustee for and on behalf  
of the EXTENDED STAY LITIGATION TRUST,  
and THE EXTENDED STAY LITIGATION TRUST,

Plaintiffs,

v.

DL-DW Holdings, L.L.C., *et al.*,

Defendants.

DL-DW HOLDINGS, LLC, LIGHTSTONE  
HOLDINGS, LLC, THE LIGHTSTONE GROUP, LLC,  
LIGHTSTONE COMMERCIAL MANAGEMENT,

Chapter 11

Case No. 09-13764 (JLG)

Adv. Pro. No. 11-02254 (JLG)

BHAC CAPITAL IV, LLC, PARK AVENUE  
FUNDING LLC, DAVID LICHTENSTEIN,  
BRUNO DE VINCK, PEYTON “CHIP” OWEN, and  
JOSEPH TEICHMAN,

Defendants/Third-Party Plaintiffs,

v.

CWCAPITAL ASSET MANAGEMENT LLC and  
U.S. BANK NATIONAL ASSOCIATION as Trustee  
for the REGISTERED HOLDERS OF WACHOVIA  
BANK COMMERCIAL MORTGAGE TRUST  
COMMERCIAL MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-ESH,

Third-Party Defendants.

**NOTICE OF AMENDED SETTLEMENT OF ORDER  
PURSUANT TO LOCAL BANKRUPTCY RULE 9074-1(A)**

**PLEASE TAKE NOTICE** that, pursuant to Rule 9074-1(a) of the Local Bankruptcy Rules for the Southern District of New York (effective December 1, 2021) and this Court’s Memorandum Decision Granting Plaintiffs’ Motion for Sanctions Against Defendant Polar Extended Stay (USA) L.P. entered August 26, 2022 [ECF No. 483] (the “Sanctions Decision”),<sup>1</sup> the undersigned will present the amended proposed order attached hereto as **Exhibit A**<sup>2</sup> to the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, in the United States Bankruptcy Court, One Bowling Green, Courtroom 723, New York, New York 10004 (the “Bankruptcy Court”), on September 20, 2022 at 11:00 a.m. (prevailing Eastern Time).

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<sup>1</sup> The Court entered its initial decision on August 22, 2022 at ECF No. 482. The Court subsequently entered its Errata Order Regarding Memorandum Decision Granting Plaintiffs’ Motion for Sanctions Against Defendant Polar Extended Stay (USA) L.P., dated August 23, 2022, at ECF No. 483. Among other things, that errata order directed that all future references to the Sanctions Decision be made to the version found at Exhibit A thereto.

<sup>2</sup> Plaintiffs filed their original proposed order on September 1, 2022 at ECF No. 486.

**PLEASE TAKE FURTHER NOTICE** that objections or counter-proposed orders must be filed with the Bankruptcy Court and served upon Plaintiffs by no later than September 19, 2022.

**PLEASE TAKE FURTHER NOTICE** that any objections or counter-proposed orders shall be in writing, shall conform to the Bankruptcy Rules and the Local Rules, shall either: a) be filed with the Bankruptcy Court by attorneys practicing in the Bankruptcy Court, including attorneys admitted pro hac vice, electronically in accordance with General Order M-399 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)); or b) be filed with the Bankruptcy Court at [casefiling@nysb.uscourts.gov](mailto:casefiling@nysb.uscourts.gov) in a text-searchable portable document format (PDF) in accordance with the customary practices of the Bankruptcy Court and General Orders M-399 and M-543.

**PLEASE TAKE FURTHER NOTICE** that if an objection or counter-proposed order is not received by September 19, 2022, the relief requested shall be deemed unopposed, and the Bankruptcy Court may enter Exhibit A without a hearing.

Dated: September 16, 2022

**VENABLE LLP**

By: /s/ Gregory A. Cross

Gregory A. Cross

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